

TYRONE NUNN §
VS. § CIVIL ACTION NO. 1:12cv233
CARLOS RIVERA §

Plaintiff Tyrone Nunn, an inmate confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed the above-styled lawsuit. As plaintiff not paid the required filing fee, he appears to be attempting to proceed with this matter on an *in forma pauperis* basis.

On April 26, 1996, the president signed into law the Prison Litigation Reform Act. Pub.L. No. 104-134, 110 Stat. 1321 (1996). 28 U.S.C. § 1915(g), which was created by the Act, prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

Prior to the date on which plaintiff filed this complaint, courts had dismissed at least four lawsuits filed by plaintiff as

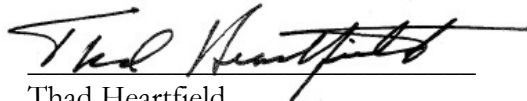
frivolous or or for failure to state a claim.¹ As a result, Section 1915(g) is applicable.

The allegations made in the complaint do not demonstrate plaintiff was in "imminent danger of serious physical injury" at the time this lawsuit was filed. Section 1915(g) therefore bars plaintiff from proceeding with this action on an *in forma pauperis* basis. This case will, accordingly, be dismissed.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the **30** day of **May, 2012**.


Thad Heartfield
United States District Judge

¹ *Nunn v. Bank of Wedowee*, No. 3:03cv392 (M.D. Al. June 30, 2003) (dismissed as frivolous); *Nunn v. Clay County Hospital*, No. 7:05cv515 (N.D. Al. June 10, 2005) (dismissed for failure to state a claim); *Nunn v. Bailey*, No. 3:05cv1059 (M.D. AL. Nov. 30, 2005) (dismissed as frivolous); *Nunn v. Martin*, No. 1:11cv448 (E.D. Tex. Dec. 14, 2011) (dismissed as frivolous and for failure to state a claim).